

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GEICO GENERAL INSURANCE COMPANY,

Plaintiff,

vs.

MALCOLM SHAW, DONNA KAY RAINBOLT,
RAY CURTIS SHAW, PHILLIP SHAW,
MADONNA REHABILITATION HOSPITAL,
HASTINGS ANESTHESIOLOGY ASSOCIATES,
P.C., HASTINGS FIRE AND RESCUE,
LIFETEAM, BRYAN MEDICAL CENTER WEST,
THE DEPARTMENT OF THE NAVY MEDICAL
CARE RECOVERY UNIT, MARY LANNING
HEALTHCARE, THE CENTERS FOR
MEDICARE & MEDICAID SERVICES AND
JOHN DOES 1-20,

Defendants.

8:16CV00058

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, *et seq.*, Interpleader Defendants, the Department of the Navy Medical Care Recovery Unit and the Centers for Medicare & Medicaid Services, remove to this Court the State Court civil action indicated in the attachments to this Notice.

Interpleader Defendant, the Department of the Navy Medical Care Recovery Unit received a copy of Plaintiff's initial State Court pleading on January 4, 2016. This Notice of Removal was filed within 30 days of receipt of Plaintiff's initial pleading, as required by 28 U.S.C. § 1446(b). Interpleader Defendant, the Centers for Medicare & Medicaid Services received a copy of Plaintiff's initial State Court pleading on January 20, 2016. This Notice of Removal was filed within 30 days of receipt of Plaintiff's initial pleading, as required by 28 U.S.C. § 1446(b). Copies of all process, pleadings, and orders served or received by Defendants are attached to this Notice.

Grounds for removal are as follows:

This is a civil action that is commenced in a State court and is filed against the Department of the Navy Medical Care Recovery Unit and the Centers for Medicare & Medicaid Services, for actions taken relating to color of such office. Specifically, an action has been filed by the Interpleader Plaintiff to determine the respective rights of the moving parties to insurance proceeds at issue and the nature/extent of subrogation interests. Removal is proper under 28 U.S.C. § 1442(a)(1), which authorizes removal of a civil action against an officer of the United States or any agency thereof, “for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of revenue.”

Interpleader Defendants, the Department of the Navy Medical Care Recovery Unit and the Centers for Medicare & Medicaid Services, pray that the above-captioned action, pending in the District Court of Webster County, Nebraska, be removed to this Court.

THE DEPARTMENT OF THE NAVY MEDICAL
CARE RECOVERY UNIT AND THE CENTERS
FOR MEDICARE & MEDICAID, Defendants

DEBORAH R. GILG
United States Attorney
District of Nebraska

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REQUEST FOR TRIAL

The United States of America requests that trial of this case be held in Omaha, Nebraska, and that the case be calendared accordingly.

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: N/A, and also hereby certify that a copy of the same has been served by regular mail, postage prepaid, to the following non-CM/ECF participants:

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s/ Timothy R. Hook
Assistant U.S. Attorney